

3 December 1974

NOTE TO IBM FILE

In response to Dick Irvine's call today, I told him that our letter authorizing the release of four classified Agency documents had been put in the mail addressed to him. I told him the release of those documents to IBM required that the recipients possess the requisite security clearances and also that the documents themselves be handled in accordance with the Court's Protective Order.

Irvine stated that they had received from Commerce a package of Agency documents that was to be forwarded for Agency clearances. He said that Herb Peters would be calling me with regard to that matter. I told Irvine that preliminarily to sending those documents over that he examine them personally to determine that all are, in fact, Agency documents.

Herb Peters called and referred to Irvine's prior conversation with me and stated that the Agency documents they had received from Commerce totaled 40 in number. In response to his request for delivery instructions, I gave him the Ames office address and told him to call me from the receptionist office and I would have the package picked up from him.

27 November 1974

Richard L. Irvine, Esq.  
Antitrust Division  
Department of Justice  
Washington, D.C. 20530

Re: United States v. International Business Machines Corporation, 69 Civ. 200 S.D.N.Y.

Dear Mr. Irvine:

1. This is in response to your request that the following classified Agency documents be made available to representatives of the International Business Machines Corporation (IBM):

a. Memorandum dated 29 March 1973 to Dr. Gus W. Weiss from [ ] of the CIA, subject: Possible Side Benefits from Computer Export Planning Studies, CONFIDENTIAL

STATINTL

b. Memorandum dated 1 August 1973 to Dr. Gus Weiss from [ ] of the CIA, subject: Contribution to CIEP Study, SECRET

STATINTL

c. Document entitled "Soviet Computers," undated, with the name [ ] in the upper right-hand corner, SECRET

STATINTL

d. Document entitled "Bulgaria," with the name [ ] in the upper right-hand corner, SECRET

STATINTL

2. Please be advised that this Agency consents to the Department of Justice making these documents available to IBM. It is to be understood, however, that these materials are to be released only to those personnel possessing the requisite security clearances and that they must be handled in accordance with the Protective Order as issued by the Court in the referent case.

[ ]  
Associate General Counsel

cc: OGC (cc of signed original)  
[ ]

STATINTL

STATINTL

UNCLASSIFIED

ADP-S&T-5-74

12 NOV 1974

MEMORANDUM FOR: [REDACTED] Associate General STATINTL  
Counsel

SUBJECT: U.S. v. IBM

REFERENCE: Your memo, same subject, dated 5 Nov 1974

STATINTL 1. I have discussed the releaseability to cleared IBM representatives of the documents described in the reference with [REDACTED] of OSI, and he has stated that they can be released.

2. It should be noted, however, that the document referred to in para 1a. of the reference was recently downgraded to unclassified at the request of your office. [REDACTED] the DD/I Security Officer, was the individual involved in this declassification effort. STATINTL

STATINTL

[REDACTED]  
DD/S&T ADP Control Officer

STATINTL cc: [REDACTED] EB/PSTD/OSI

UNCLASSIFIED

5 NOV 1974

MEMORANDUM FOR: ADP Control Officer, DD/S&T

SUBJECT : U.S. v. IBM

1. The Department of Justice has requested Agency permission to make available to cleared IBM representatives copies of the following enclosed Agency documents:

- STATINTL  
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STATINTL  
STATINTL
- RELEASE  
APPROVED  
11 NOV 74
- a. Memo dtd 29 March 73 to Dr. Gus W. Weiss fm [redacted] of the CIA, subject: Possible Side Benefits from Computer Export Planning Studies, CONFIDENTIAL
  - b. Memo dtd 1 Aug 73 to Dr. Gus Weiss fm [redacted] of the CIA, subject: Contribution to CIEP Study, SECRET
  - c. Document entitled "Soviet Computers," undated, with the name [redacted] in the upper right-hand corner, SECRET
  - d. Document entitled "Bulgaria," with the name [redacted] in the upper right-hand corner, SECRET
- STATINTL

2. According to Justice, these materials were located in the Department of Commerce's files and have already been reviewed by certain cleared attorneys from the law firm representing IBM. As I understand it, that review was the result of a unilateral showing conducted by Mr. Karl Bakke, Commerce's General Counsel.

3. If a review of these documents shows that their release for purposes of this suit would not jeopardize sources and methods, I suggest we accede to Justice's request. As a condition of our approval, we would require that they be released only to personnel possessing the requisite security clearances and further that they be otherwise handled in accordance with the Protective Order issued by the Court in the referent case.

SUBJECT: U.S. v. IBM

STATINTL

4. For your information, I have been advised that the classifier of these documents, as identified by the six-digit figure appearing in the lower left-hand corner of the first page, is [redacted] Electronics Branch, Physical Sciences and Technology Division, OSI.

5. Your early response would be appreciated.

STATINTL

[redacted]

Associate General Counsel

Att

Distribution:

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1 - OGC

STATINTL

AGC/OL/ [redacted] (5 November 1974)